

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

NOV 05 1990

BARBARA A. EVERLY, CLERK

United States Bankruptcy Court

For the NORTHERN District of IOWA

Chapter. 7

Case No. X87-02434S

Contested No. 2146

IN RE:

RALPH M. MADDOX and
O. MARIE MADDOX,

Debtors.

JUDGMENT

- ☐ This proceeding having come on for trial or hearing before the court, the Honorable William L. Edmonds, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered.

[OR]

- ☒ The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing.

IT IS ORDERED AND ADJUDGED:

that the sale of real estate by the trustee as described in the attached exhibit "A" is approved. The sale is free and clear of liens and encumbrances.

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copies mailed with order
11/5/90, *jm*

BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

11-5-90

William L. Edmonds

ABSTRACT OF TITLE to Lot F, in the Plat of Striker's Park, in the City of West Okoboji, Dickinson County, Iowa, except the South 100 feet thereof, and except the following described tracts:-

TRACT A. Commencing at the South Quarter corner of Section 30, Twp. 99, Range 36, West 5th P.M.; thence North 89°05' West 109 feet on the South line of the SW $\frac{1}{4}$ of said Section to the Southeast corner of said Lot F; thence North 01°26' East 166.5 feet on the East line of said Lot F, to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fence line for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park, which is also marked by an existing fence line for a distance of 731.59 feet to an existing wooden post; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fence line for a distance of 305.77 feet to the point of beginning; thence continuing South 88°43'05" East along said North line of Lot F for a distance of 153.76 feet; thence South 00°34'34" West for a distance of 59.42 feet to a point on a 45 foot radius curve concave Southeastly; thence along said 45-foot radius curve concave Southeastly through a central angle of 77°13'41" with an arc length of 60.65 feet; thence North 89°29'11" West for a distance of 109.89 feet to a point on a 45-foot radius curve concave Southeastly through a central angle of 77°13'41" with an arc length of 60.65 feet; thence North 00°34'34" East for a distance of 96.49 feet to the point of beginning, containing 13,531 square feet. Said described parcel represents Lot 11, in Block 1, of the proposed Maddox Sub-division, West Okoboji, Iowa. The bearing of the South line of the SW $\frac{1}{4}$ of said Section 30-99-36 was taken as North 89°05' West to conform with bearings of record.

TRACT B. Commencing at the South quarter corner of said Section 30, Twp. 99, Range 36, West 5th P.M.; thence North 89°05' West 109 feet on the South line of said SW $\frac{1}{4}$ to the Southeast corner of said Lot F, Striker's Park; thence North 01°26' East 166.5 feet on the East line of said Lot F to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fence line for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park, which is also marked by an existing fence line for a distance of 731.59 feet to an existing wooden post; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fence line for a distance of 152.01 feet to the point of beginning; thence continuing South 88°43'05" East along said North line of Lot F for a distance of 153.76 feet; thence South 00°34'34" West for a distance of 96.49 feet; thence North 89°29'11" West for a distance of 109.89 feet to a point on a 45 foot radius curve concave Southwesterly; thence along said 45 foot radius curve concave Southwesterly through a central angle of 77°06'16" with an arc length of 60.56 feet; thence North 00°34'34" East for a distance of 63.54 feet to the point of beginning, containing 13,850 square feet. Said described parcel represents Lot 6 in Block 1 of the proposed Maddox Sub-division, West Okoboji, Iowa. The bearing of the South line of the SW $\frac{1}{4}$ of Section 30-99-36 was taken as North 89°05' West to conform with bearings of record.

TRACT C. Commencing at the South quarter corner of said Section 30, Twp. 99, Range 36; thence North 89°05' West 109 feet on the South line of said SW $\frac{1}{4}$ to the Southeast corner of said Lot F, Striker's Park; thence North 01°26' East 166.5 feet on the East line of said Lot F, to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fence line for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park which is also marked by an existing fence line for a distance of 731.59 feet to an existing wooden post which is also the Point of Beginning; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fence line for a distance of 152.01 feet; thence South 00°34'34" West for a distance of 63.54 feet to a point on a 45 foot radius curve concave Southwesterly.

Thence along said 45 foot radius curve concave Southwesterly through a central angle of 64°05'35" with an arc length of 30.34 feet; thence North 63°31'02" West for a distance of 123.98 feet to a point on the West line of said Lot F, in Striker's Park; thence North 00°34'34" East along the West line of said Lot F for a distance of 36.59 feet to the point of beginning, containing 9897 square feet. Said described parcel represents Lot 5 in Block 1 of the proposed Maddox Sub-division, West Okoboji, Iowa. The bearing of the South line of the SW $\frac{1}{4}$ of Section 30-99-36 was taken as North 89°05' West to conform with bearings of record.

ALSO except the following tract owned by Edward L. Meyerdick and Norma Jean Meyerdick:- A part of Lot F of the Plat of Striker's Park, West Okoboji, Dickinson County, Iowa, described as follows:

Commencing at the Southwest corner of said Lot F; thence North 166.5 feet; thence East 167 feet; thence North 167 feet to the point of beginning; thence East 170 feet; thence North 127 feet; thence West 170 feet; thence South 127 feet to the point of beginning, together with an easement for ingress and egress from Highway No. 71, located generally to the East of the described property as it now exists, or upon roads, public streets or other streets or highways laid out and established by the grantors or by some public authority at the option of the grantors.

ALSO except the following tract owned by Jim Lee Meyerdick:- A part of Lot F, of the Plat of Striker's Park, Dickinson County, Iowa, which is described as follows:-

Commencing at the Southwest corner of said Lot F; thence North 166.5 feet; thence East 167 feet; thence North 294 feet to the point of beginning; thence North 127 feet; thence East 250 feet; thence South 254 feet; thence West 80 feet; thence North 127 feet; thence West 170 feet to the point of beginning, together with an easement for ingress and egress from Highway 71, located generally to the East of the described property as it now exists or upon roads, public streets or other streets or highways laid out and established by the grantors or by some public authority at the option of the grantors; continued from Feb. 28, 1990, at 8:00 o'clock A.M.

11/05/90 A

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

NOV. - 5 1990

BARBARA A. EVERLY, CLERK

IN RE: : CHAPTER 7
RALPH M. MADDOX and : BANKRUPTCY #X-87-02434-S
O. MARIE MADDOX, : Contested No. 2146
Debtors. : ORDER APPROVING SALE

ON THIS 5th day of November, 1990, this matter comes before the Court upon the Trustee's Motion for Authority to Sell Real Estate Free and Clear of Junior Liens and Encumbrances filed October 4, 1990. The Trustee proposed to sell to Donald Scot Oleson (a single person) real estate described in Exhibit "A", attached hereto and incorporated herein, pursuant to the terms and conditions as set forth in the Trustee's Motion filed October 4, 1990.

The Court finds that Notice of the Trustee's Motion to Sell the above-described real estate free and clear of all liens and encumbrances was served upon all creditors and parties-in-interest as required by the Bankruptcy Code and Rules as shown by the Certification of Mailing on file. Further, the Court finds that said Notice required that any objections to the Trustee's Motion for Authority to Sell Property were to be filed with the Clerk of this Bankruptcy Court on or before the 26th day of October, 1990, with a copy of the same being forwarded to the Trustee, and that barring any objections and requests for hearing, parties

were notified that an Order would be entered approving said sale. Upon a review of the file, the Court finds that there have been no timely-filed objections to the Trustee's Motion and further that the granting of said Motion would be in the best interest of the estate and that said Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion of the Trustee for authority to sell real estate described herein on Exhibit "A" to Donald Scot Oleson (a single person) all of said sale to be free and clear of junior liens and encumbrances is approved. Further, the Trustee shall sell the real estate described herein on Exhibit "A" to Donald Scot Oleson for the sum of Eighty Thousand Dollars (\$80,000.00) to be paid to the Trustee upon closing and receipt of Trustee's Deed.


IT IS FURTHER ORDERED that the Trustee pay: (1) buyer the agreed sum of Three Thousand Five Hundred Dollars (\$3,500.00) for buyer assuming all responsibility for environment cleanup of possible underground fuel tanks; (2) real estate taxes and penalties due and payable for 1987/1988, 1988/1989, and 1989/1990; (3) costs of bringing abstract up to date; (4) real estate commission to Knudsen Brothers, Realtors, Okoboji, IA, in the sum of Six Percent (6%) or Four Thousand Eight Hundred Dollars (\$4,800.00); (5) real estate mortgage to Northwest Federal Savings Bank successor to Home Federal Savings and Loan of Spirit Lake, IA, dated March 14, 1978, filed March 15, 1978, and recorded

in Book 65 of T.L. Mortgages, Page 611 in the office of the Dickinson County Recorder. The principal balance due on the mortgage is presently Twenty-two Thousand One Hundred Fifty-seven Dollars and Two Cents (\$22,157.02), with a per diem interest from and after June 21, 1990, in the sum of Five Dollars and Ninety-seven cents (\$5.97) per day, per the judgment entered on July 19, 1990, in favor of Northwest Federal Savings Bank in the amount of Twenty-two Thousand One Hundred Fifty-seven Dollars and Two Cents (\$22,157.02), plus interest and court costs of One Thousand Forty-eight Dollars and Five Cents (\$1,048.05).

IT IS FURTHER ORDERED that the Trustee shall, per the settlement agreement approved by this Court on August 21, 1989, pay debtors one-third (1/3) of the net proceeds from the sale of the real estate.


IT IS FURTHER ORDERED that the Trustee shall convey to Donald Scot Oleson, a single person, the real estate described in Exhibit "A" by duly executed Court Officer's Deed and that said conveyance shall be free and clear of all liens and encumbrances. Trustee shall file "Groundwater Hazard statement"

pursuant to I.C. 558.69 with Dickinson County Recorder.
IT IS SO ORDERED this 5th day of November,
1990.


WILLIAM L. EDMONDS
U.S. Bankruptcy Judge

Prepared by:

Wil L. Forker, Trustee

cc: 
Cassie L. Hanson; U.S. Trustee 11-5-90, dm

ABSTRACT OF TITLE to Lot F, in the Part of Striker's Park, City of West Okoboji, Dickinson County, Iowa, except the South 166.5 feet thereof, and except the following described tracts:-

TRACT A. Commencing at the South Quarter corner of Section 30, Twp. 99, Range 36, West 5th P.M.; thence North 89°05' West 109 feet on the South line of the SW $\frac{1}{4}$ of said Section to the Southeast corner of said Lot F; thence North 01°26' East 166.5 feet on the East line of said Lot F, to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fence line for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park, which is also marked by an existing fenceline for a distance of 731.59 feet to an existing wooden post; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fenceline for a distance of 305.77 feet to the point of beginning; thence continuing South 88°43'05" East along said North line of Lot F for a distance of 153.76 feet; thence South 00°34'34" West for a distance of 59.42 feet to a point on a 45 foot radius curve concave Southeasterly; thence along said 45-foot radius curve concave Southeasterly through a central angle of 77°13'41" with an arc length of 60.65 feet; thence North 89°29'11" West for a distance of 109.86 feet; thence North 00°34'34" East for a distance of 96.49 feet to the point of beginning, containing 13,531 square feet. Said described parcel represents Lot 11, in Block 1, of the proposed Maddox Sub-division, West Okoboji, Iowa. The bearing of the South line of the SW $\frac{1}{4}$ of said Section 30-99-36 was taken as North 89°05' West to conform with bearings of record.

TRACT B. Commencing at the South quarter corner of said Section 30, Twp. 99, Range 36, West 5th P.M.; thence North 89°05' West 109 feet on the South line of said SW $\frac{1}{4}$ to the Southeast corner of said Lot F, Striker's Park; thence North 01°26' East 166.5 feet on the East line of said Lot F to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fenceline for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park, which is also marked by an existing fenceline for a distance of 731.59 feet to an existing wooden post; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fenceline for a distance of 152.01 feet to the point of beginning; thence continuing South 88°43'05" East along said North line of Lot F for a distance of 153.76 feet; thence South 00°34'34" West for a distance of 96.49 feet; thence North 89°29'11" West for a distance of 109.89 feet to a point on a 45 foot radius curve concave Southwesterly; thence along said 45 foot radius curve concave Southwesterly through a central angle of 77°06'16" with an arc length of 60.56 feet; thence North 00°34'34" East for a distance of 63.54 feet to the point of beginning, containing 13,850 square feet. Said described parcel represents Lot 6 in Block 1 of the proposed Maddox Subdivision, West Okoboji, Iowa. The bearing of the South line of the SW $\frac{1}{4}$ of Section 30-99-36 was taken as North 89°05' West to conform with bearings of record.

TRACT C:- Commencing at the South quarter corner of said Section 30, Twp. 99, Range 36; thence North 89°05' West 109 feet on the South line of said SW $\frac{1}{4}$ to the Southeast corner of said Lot F, Striker's Park; thence North 01°26' East 166.5 feet on the East line of said Lot F, to a 3/4" x 36" pipe; thence North 89°29'11" West along an existing fenceline for a distance of 1042.62 feet to an existing wooden post; thence North 00°34'34" East along the West line of said Lot F in Striker's Park which is also marked by an existing fenceline for a distance of 731.59 feet to an existing wooden post which is also the Point of Beginning; thence South 88°43'05" East along the North line of said Lot F in Striker's Park, which is also marked by an existing fenceline for a distance of 152.01 feet; thence South 00°34'34" West for a distance of 63.54 feet to a point on a 45 foot radius curve concave Southeasterly.

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EXHIBIT A